

# Senate Bill 949

Sponsored by Senator PROZANSKI

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Modifies time within which Ballot Measure 37 (2004) claimant must file form making election for relief under Ballot Measure 49 (2007).

### A BILL FOR AN ACT

1  
2 Relating to Ballot Measure 49 (2007) claims; amending section 8, chapter 424, Oregon Laws 2007.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1.** Section 8, chapter 424, Oregon Laws 2007, is amended to read:

5 **Sec. 8.** (1) No later than 120 days after [*the effective date of this 2007 Act*] **December 6, 2007**,  
6 the Department of Land Conservation and Development shall send notice to all the following  
7 claimants that filed a claim for property outside an urban growth boundary:

8 (a) A claimant whose claim was denied by the state before [*the effective date of this 2007 Act*]  
9 **December 6, 2007**, but who may become eligible for just compensation because of [*section 21 (2) of*  
10 *this 2007 Act*] **ORS 195.328 (2)** or any other provision of [*sections 5 to 22 of this 2007 Act*] **ORS**  
11 **195.305 to 195.336 and sections 5 to 11, chapter 424, Oregon Laws 2007;**

12 (b) A claimant whose claim was approved by the state before [*the effective date of this 2007*  
13 *Act*] **December 6, 2007;** and

14 (c) A claimant whose claim has not been approved or denied by the state before [*the effective*  
15 *date of this 2007 Act*] **December 6, 2007.**

16 (2) The notice required by subsection (1) of this section must:

17 (a) Explain the claimant's options if the claimant wishes to subdivide, partition or establish a  
18 dwelling on the property under [*sections 5 to 22 of this 2007 Act*] **ORS 195.305 to 195.336 and**  
19 **sections 5 to 11, chapter 424, Oregon Laws 2007;**

20 (b) Identify any information that the claimant must file; and

21 (c) Provide a form for the claimant's use.

22 (3) A claimant must choose whether to proceed under section 6 or 7 [*of this 2007 Act*], **chapter**  
23 **424, Oregon Laws 2007**, by filing the form provided by the department within 90 days **or three**  
24 **months, whichever is later**, after the date the department mails the notice and form required un-  
25 der subsection (1) of this section. In addition, the claimant must file any information required in the  
26 notice. If the claimant fails to file the form within 90 days **or three months, whichever is later**,  
27 after the date the department mails the notice, the claimant is not entitled to relief under section  
28 6 or 7 [*of this 2007 Act*], **chapter 424, Oregon Laws 2007.**

29 (4) The department shall review the claims in the order in which the department receives the  
30 forms required under subsection (3) of this section. In addition to reviewing the claim, the depart-  
31 ment shall review the department's record on the claim, the form required under subsection (3) of

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 this section, any new material from the claimant and any other information required by [sections 5  
2 to 22 of this 2007 Act] **ORS 195.305 to 195.336 and sections 5 to 11, chapter 424, Oregon Laws**  
3 **2007**, to ensure that the requirements of this section and section 6 or 7 [of this 2007 Act], **chapter**  
4 **424, Oregon Laws 2007**, are met. The department shall provide a copy of the material submitted  
5 by the claimant to the county where the property is located and consider written comments from  
6 the county that are timely filed with the department. If the department determines that the only land  
7 use regulations that restrict the claimant's use of the property are regulations that were enacted  
8 by the county, the department shall transfer the claim to the county where the property is located  
9 and the claim shall be processed by the county in the same manner as prescribed by this section for  
10 the processing of claims by the department. The county must consider any written comments from  
11 the department that are timely filed with the county.

12 (5) If the claimant elects to obtain relief under section 7 [of this 2007 Act], **chapter 424, Oregon**  
13 **Laws 2007**, the claimant must file an appraisal that establishes the reduction in the fair market  
14 value of the property as required by section 7 (6) [of this 2007 Act], **chapter 424, Oregon Laws**  
15 **2007**. The actual and reasonable cost of preparing the claim, including the cost of the appraisal, not  
16 to exceed \$5,000, may be added to the calculation of the reduction in fair market value under section  
17 7 (6) [of this 2007 Act], **chapter 424, Oregon Laws 2007**. The appraisal must be filed with the de-  
18 partment or, if the claim is being processed by the county, with the county within 180 days after the  
19 date the claimant files the election to obtain relief under section 7 [of this 2007 Act], **chapter 424,**  
20 **Oregon Laws 2007**. A claimant that elects to obtain relief under section 7 [of this 2007 Act],  
21 **chapter 424, Oregon Laws 2007**, may change that election to obtain relief under section 6 [of this  
22 2007 Act], **chapter 424, Oregon Laws 2007**, but only if the claimant provides written notice of the  
23 change on or before the date the appraisal is filed. If a county is processing the claim, the county  
24 may impose a fee for the review of a claim under section 7 [of this 2007 Act], **chapter 424, Oregon**  
25 **Laws 2007**, in an amount that does not exceed the actual and reasonable cost of the review.

26 (6) The department or the county shall review claims as quickly as possible, consistent with  
27 careful review of the claim. The department shall report to the Joint Legislative Audit Committee  
28 on or before March 31, 2008, concerning the department's progress and the counties' progress in  
29 completing review of claims under sections 6 and 7 [of this 2007 Act], **chapter 424, Oregon Laws**  
30 **2007**.

31 (7) The department's final order and a county's final decision on a claim under section 6 or 7  
32 [of this 2007 Act], **chapter 424, Oregon Laws 2007**, must either deny the claim or approve the claim.  
33 If the order or decision approves the claim, the order or decision must state the number of home  
34 site approvals issued for the property and may contain other terms that are necessary to ensure that  
35 the use of the property is lawful.

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